

**Minutes**  
**Chiropractic Physician Licensing Board**  
April 7, 2005  
Room: 4A  
Heber Wells Building

**Convened:** 9:03 am

**Adjourned:** 10:46 am

**Division Staff Present:**

Division Director  
Bureau Manager  
Irene Gayheart  
Board Secretary

J. Craig Jackson  
Daniel T. Jones  
DOPL Investigator  
Lee Avery

**Members Present:**

Theodore J. Scott, DC, Chairperson  
Lew Wheelwright, DC  
James D. Knight, DC  
Gordon McClean Jr., DC

**Members Absent**

Ed Sperry

**Guests Present:**

Tim Apgood  
Trev Wilde

**TOPICS OF DISCUSSION**

**Review Minutes:**

**DECISIONS & RECOMMENDATIONS**

The minutes of January 13, 2005 were reviewed. Dr. Knight motioned to accept with corrections, seconded by Dr. McClean.  
The motion carried unanimously.

**Discussion:**

Mr. Jones advised the Board at the end of its meeting, Ms. Kim Smith from Experior, Thomson/Prometric has requested to meet with the Board members for the purpose of reviewing its law exam.

**Appointments:**

Daniel Knechtel – Probation Interview

Dr. Knechtel presented himself to the Board. Dr. McClean conducted the interview. Dr. Knechtel reviewed with the Board the reasons his license was placed on probation.

Dr. Knechtel stated this process has caused him to take on more responsibility and become stronger in his practice and personal life. This has also encouraged him to stay on top of the billing and coding practices in his office. Dr. Knechtel advised the Board he has completed the classes required by the State and is almost finished with the Community Service hours.

Dr. Knechtel stated he will be meeting with his probation officer and things are progressing well there. Mr. Jones asked Dr. Knechtel to get him a letter from his probation officer. Dr. Knechtel stated he is re-thinking his decision to sale his practice, and is moving his practice towards a cash only practice. The Board reviewed with Dr. Knechtel its concerns and statutes in ethics, dating patients or employees and proper record keeping. Dr. McClean offered to help Dr. Knechtel with this. The Board asked Dr. Knechtel to bring in certificates or letters showing he has completed the ethics course. The Board asked Dr. Knechtel to bring in ten (10) sets of patient records for its review. The Board asked to see Dr. Knechtel in July, 2005. **In Compliance**

**Kip Porter – Probation Interview**

Dr. Porter presented himself to the Board. Dr. Scott conducted the interview. Dr. Porter advised the Board things were going ok. His business was a little slow last month, but seems to be picking up. He hired a new chaperone and an office assistant for billing. Dr. Porter stated his staff are aware of his probationary license. He stated he is looking into buying a new office and hopes to have this completed in the next two months. Dr. Porter has cancelled several meetings with the Board to attend continuing education classes. The Board expressed its concern with this and reminded Dr. Porter the probationary meetings need to take priority. The Board talked with Dr. Porter about his probation ending in January 06. Dr. Porter advised the Board he has established long term office policies which should keep mistakes from happening again.

Dr. Porter stated he feels very good about these changes. The Board asked to see Dr. Porter in January 06. **In Compliance**

**Mark Waters – Probation Interview**

Dr. Waters presented himself to the Board. Dr. Knight conducted the interview. Dr. Waters reviewed with the Board the reasons his license was placed on probation. Dr. Waters stated he made a bad choice when he decided to date a patient outside the office and use marijuana occasionally on weekends. Dr. Waters stated he does not feel he has an addiction problem because his use was occasional and he has not used for over a year and does not miss it. The Board reviewed with Dr. Waters the statutes regarding a Chiropractic Physician dating a patient. Statutes state the physician must refer the patient to another physician and wait a year.

The Board reviewed the letter received from the therapist indicating Dr. Waters should attend “sexual offenders therapy meetings”. The Board noted, because Dr. Waters has not been attending these meetings, he is not in compliance with the stipulation he signed. Dr. Waters expressed his concern with the recommendation from the therapist because the sexual relations he had was consensual, not date rape. The Board discussed the situation and Dr. Waters’ concerns in detail. The Board stated as long as Dr. Waters is attending counseling and this counselor is aware of all charges, and sends a letter to the Board regarding this, Mr. Jones will modify the stipulation. Dr. Waters advised the Board his adjusting rooms are open. He has a private examining room, which is rarely used and his patient advocate is always with him when it is in use.

The Board asked Dr. Waters to bring his patient advocate with him to his next meeting with it. The Board asked to see Dr. Waters in October 2005.

**Not in Compliance**

**Staten Medsker Discussion:**

Mr. Jones advised the Board Dr. Medsker asked to meet the Board. He is requesting to have the suspension of his license removed. Mr. Jones stated

Dr. Medsker's stipulation stated he was to obtain an evaluation by Michael Brunson and instead obtained one through the "Preferred Family Clinic".

**Staten Medsker – License Status Review**

Dr. Medsker presented himself to the Board. Dr. Scott conducted the interview.

Dr. Scott advised Dr. Medsker the only issue the Board is willing to discuss with him is the suspension of his license. Dr. Medsker stated his license was suspended because he did not submit an evaluation completed by Dr. Brunson. Dr. Medsker stated he had understood he had received verbal authorization by Mr. Jones to obtain an evaluation from another source. Mr. Jones stated he told Dr. Medsker this source may be ok, however, it still needed the Boards approval and Dr. Medsker did not wait for this approval. The Board expressed its concerns with the evaluation Dr. Medsker obtained, i.e.; the therapist had only the information Dr. Medsker had given, not the information from the division. The Board discussed this briefly with Dr. Medsker and stated it feels the evaluation is one sided. Dr. Knight motioned to have Dr. Medsker obtain the evaluation from Dr. Brunson, seconded by Dr. McClean. The motion carried unanimously.

Dr. Medsker expressed his concern regarding the up front fees Dr. Brunson charges. Dr. Medsker was advised the Board made its decision and the meeting was over. Dr. Medsker asked the Board if he goes ahead and obtains this evaluation, can he get his license back before July. The Board stated it would depend on the outcome of the evaluation, it was not going to make any promises. The Board also advised Dr. Medsker it does not meet again until July 14, 2005 then again October 13, 2005.

The Board ended its meeting with Dr. Medsker.

Dr. Knight motioned to adjourn the meeting, seconded by Dr McClean.

**Chiropractic Physician Licensing Board**  
**April 7, 2005**  
**Page 5**

Next Meeting

The next meeting is scheduled for July 14, 2005

---

Date Approved

---

Chairperson, Chiropractic Licensing Board

---

Date Approved

---

Bureau Manager, Div. of Occupational & Professional  
Licensing